

REMARKS

This is intended as a full and complete response to the Office Action dated March 26, 2004, having a shortened statutory period for response set to expire on June 26, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23 and 40-51 are pending in the application. Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23 and 40-47 and 49-51 remain pending following entry of this response. Claims 1, 2, 4, 13, 23, 47 and 49 have been amended. Claim 48 has been cancelled. Applicant submits that the amendments do not introduce new matter.

Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23, 41-44 and 47-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nappholz et al.* (US 5,720,770; hereinafter *Nappholz*). Applicant respectfully traverses the rejection.

Nappholz is directed to a cardiac stimulation system that delivers long-term cardiac therapy without personal supervision by a physician. (See, Abstract.) The Examiner argues that *Nappholz* teaches each of the claimed elements except that *Nappholz* does not teach the voice synthesized message providing information about a nature of the human subject's condition. However, at least some of the claims (e.g., claim 1) recite "generating, by an external voice synthesizer, a voice synthesized message". The Examiner does not suggest that such a step is disclosed in *Nappholz*. Accordingly, the rejection is improper and Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

Further, it is noted that the voice synthesized message is generated (e.g., by an external voice synthesizer). At least some of the claims recite with particularity that the synthesized message can be generated "even in the event the human subject wearing the implanted medical device is incapable of verbal communication". The portions of *Nappholz* cited by the Examiner refer to a conventional cell phone which transmits voice data input to the cell phone by a human being. (See, column 6, lines 7-10.) Accordingly, *Nappholz* does not teach, show or suggest a generated voice synthesized message. Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

Page 7

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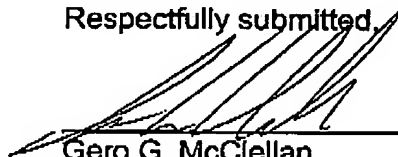
Further, the claimed voice synthesized message is generated and transmitted in response to a wireless signal from an implanted medical device. Any transmissions from the cellular telephone of *Nappholz* are in response to human voice inputs of the patient wearing the device.

Claims 40, 45 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nappholz et al.* in view of *Nelson et al.* (US 6,564,104). Applicant respectfully traverses the rejection. Because *Nappholz* is believed to have been overcome the reasons given above, the combination of *Nappholz* and *Nelson* is also believed to be overcome. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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ORIGINAL TO FOLLOW? ☐ YES ☒ NO

RESPONSE TO OFFICE ACTION DATED MARCH 26, 2004

U.S. SERIAL NO.: 10/041,937
FILING DATE: January 8, 2002
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EXAMINER: Phung Nguyen
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